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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,765	01/25/2005	Johannes Hendrikus Rikhof	P17391 USPC	2880
29078	7590	08/04/2006	EXAMINER	
CHRISTIAN D. ABEL ONSAGERS AS POSTBOKS 6963 ST. OLAVS PLASS NORWAY, N-0130 NORWAY			WHITE, RODNEY BARNETT	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/518,765	Applicant(s) RIKHOF, JOHANNES HENDRIKUS	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 4-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. Claim 3 is multiple dependent yet Claims 4-8 are all multiple dependent and they all depend from claims 3 or 4 or 5 or 6 or 7, respectively. See MPEP § 608.01(n). Accordingly, the claims 4-8 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "preferably" (2 instances) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Also, the Applicant uses language such as "is arranged in connection with the child car seat's lower portion" and "thus

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increasing the distance between portion of the lap belt (2) and the child car seat's lower portion (4)" reads as if Applicant intends to claim the "device" in combination with "the child car seat". In the preamble of the claim, Applicant only claims or defines a "device for tightening a seat belt" but further along in the claim he defines limitations with respect to the "child car seat's lower portion". Presently, the claim reads as if this device functions with any and all child car seats when that is not the case. Not all child car seats are built like that of the present invention nor will the "device for tightening a seat belt" work with all child car seats. Perhaps Applicant should have claimed a - Child car seat with a seat belt tightening device adapted to tighten the lap belt of a three-point seat belt - instead of the "device for tightening a seat belt". Applicant defines structure of the child car seat that is essential to the function of the seat belt tightening device.

Also, on line 6, the phrase "characterised in that" is improper claim language as well. This language is repeated in claims 2-3 as well.

Regarding claim 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Regarding claim 2, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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Regarding claim 3, the phrase "etc." renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "etc."), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The aforementioned problems render the claims vague and indefinite.

Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Freese et al (U.S. Patent No. 5,277,472).

Freese et al teach a device for tightening a seat belt preferably a three-point seat belt comprising a lap belt part (See fig. 13) and a diagonal belt part, where the seat belt is employed for fixing a child car seat in a passenger seat and a portion of the lap belt is arranged in connection with the child car seat's lower portion, the lower portion is designed with an abutment portion for placing a portion of the lap belt, a tightening unit 88 is rotatably mounted in at least one mounting point in connection with the child car seat's lower portion, the lap belt part being arranged so that it abuts against portions of the abutment portion and the tightening unit respectively, when the tightening unit is located in a initial position, the tightening unit is brought into a tightening position by rotating the tightening unit about the mounting point, thus increasing the distance between portions of the lap belt part and the child car seat's lower portion, while at the same time contact is maintained between portions of the lap belt part and the tightening unit, and a tightening is obtained of the lap belt part, thus causing the child car seat to be pressed further in towards the passenger seat. wherein the child car seat's lower portion is composed of a base 4 that supports the child car seat's remaining seat structure, the base being designed with a raised portion with sides which have a height that at least corresponds to the width of the lap belt part, where portions of the sides form the abutment portion, wherein the tightening unit is composed of a three-

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dimensional structure, the three-dimensional structure possibly having a height corresponding to the height of the raised portion's sides, and the tightening unit possibly having a uniform cross section in the height direction, and the cross section may be of a number of shapes.

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Brookman (U.S. Patent No. 5,915,787).

Brookman teaches a device for tightening a seat belt preferably a three-point seat belt comprising a lap belt part and a diagonal belt part, where the seat belt is employed for fixing a child car seat in a passenger seat and a portion of the lap belt is arranged in connection with the child car seat's lower portion, the lower portion is designed with an abutment portion for placing a portion of the lap belt, a tightening unit 50 is rotatably mounted in at least one mounting point (where they are hinged; see column 7, lines 42-63) in connection with the child car seat's lower portion, the lap belt part being arranged so that it abuts against portions of the abutment portion and the tightening unit respectively, when the tightening unit is located in a initial position, the tightening unit is brought into a tightening position by rotating the tightening unit about the mounting point, thus increasing the distance between portions of the lap belt part and the child car seat's lower portion, while at the same time contact is maintained between portions of the lap belt part and the tightening unit, and a tightening is obtained of the lap belt part, thus causing the child car seat to be pressed further in towards the passenger seat. wherein the child car seat's lower portion is composed of a

base that supports the child car seat's remaining seat structure, the base being designed with a raised portion with sides which have a height that at least corresponds to the width of the lap belt part, where portions of the sides form the abutment portion, wherein the tightening unit is composed of a three-dimensional structure, the three-dimensional structure possibly having a height corresponding to the height of the raised portion's sides, and the tightening unit possibly having a uniform cross section in the height direction, and the cross section may be of a number of shapes (See Fig. 5).

Claims 1-3, so far as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Yanaka et al (U.S. Patent No. 6,672,664 B2).

Yanaka et al teach a device for tightening a seat belt preferably a three-point seat belt comprising a lap belt part 16a, 16b and a diagonal belt part, where the seat belt is employed for fixing a child car seat in a passenger seat and a portion of the lap belt is arranged in connection with the child car seat's lower portion, the lower portion is designed with an abutment portion for placing a portion of the lap belt, a tightening unit 75 is rotatably mounted in at least one mounting point in connection with the child car seat's lower portion, the lap belt part being arranged so that it abuts against portions of the abutment portion and the tightening unit respectively, when the tightening unit is located in a initial position, the tightening unit is brought into a tightening position by rotating the tightening unit about the mounting point, thus increasing the distance between portions of the lap belt part and the child car seat's lower portion, while at the same time contact is maintained between portions of the lap belt part and the tightening

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unit, and a tightening is obtained of the lap belt part, thus causing the child car seat to be pressed further in towards the passenger seat. wherein the child car seat's lower portion is composed of a base that supports the child car seat's remaining seat structure, the base being designed with a raised portion with sides which have a height that at least corresponds to the width of the lap belt part, where portions of the sides form the abutment portion, wherein the tightening unit is composed of a three-dimensional structure, the three-dimensional structure possibly having a height corresponding to the height of the raised portion's sides, and the tightening unit possibly having a uniform cross section in the height direction, and the cross section may be of a number of shapes (See 14A-14B).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anthony et al, Franco-Villa et al, Hobson, Greger et al, Kain et al, Vila et al, and Yamazaki teach structures similar to the present invention.

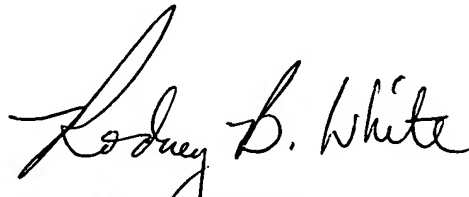
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
July 31, 2006



RODNEY B. WHITE
PRIMARY EXAMINER